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2007-00084
ALICIA M. SERFATY
GENERAL COUNSEL AND
CO.

IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND

#38
MICHAEL LANCE

2900 Connecticut Avenue, NW
Apt. 346
Washington, D.C. 20008

Plaintiff,

v.

2 NATIONAL RAILROAD PASSENGER
CORPORATION

60 Massachusetts Avenue, NE
Washington, D.C. 20002

d/b/a AMTRAK

Serve:

Alicia Serfaty

AMTRAK

900 2nd Street, NE

Washington, D.C. 20002

Defendant.

Case No. CAL06-22784

REGIONAL DIRECTOR
CLAIMS SERVICES

NOV 13 2006

PHILADELPHIA, PA
via Fed Ex

FILED *RC*

OCT 23 2006

CLERK OF THE CIRCUIT COURT
FOR PRINCE GEORGES COUNTY, MD.

COMPLAINT AND JURY TRIAL DEMAND
(Negligence: Fall from Train)

Plaintiff, Michael Lance, by and through the undersigned counsel, brings
this Complaint against the Defendant, National Railroad Passenger Corporation,
d/b/a AMTRAK, and states as follows:

1. Plaintiff, Michael Lance, is a citizen of the United States and a
resident of the District of Columbia.
2. Defendant, National Railroad Passenger Corporation (hereinafter,
"AMTRAK") is a District of Columbia, for profit corporation that at all times

Case: CAL06-22784

NEW CASE

APP FEE PLAIN 10.00

CV FILING FEE- 80.00

MD LEGAL SERV 25.00

TOTAL 115.00

Rest PG11 Rcpt # 41344

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relevant to this Complaint was doing business in the District of Columbia and the state of Maryland.

3. On or about November 7, 2003, Mr. Lance was a passenger on an AMTRAK train en route from Washington, D.C. to his destination in New York City.

4. During the late afternoon, in the vicinity of New Carrollton, Maryland, the AMTRAK train malfunctioned and came to a stop.

5. At that time and place all passengers were evacuated on to the track bed and told they would board another train.

6. After a considerable period of time a replacement train arrived and stopped about forty yards from the passengers.

7. The transfer of passengers to the replacement train occurred on the track bed rather than at a station platform.

8. As a result when the passengers boarded the replacement train, they were standing well below the normal boarding level of the train car.

9. To assist passengers such as Mr. Lance, an employee or agent of AMTRAK placed what appeared to be a milk crate for the passengers to stand on so they could ascend to the lowest step of the train car, well above ground level.

10. As Mr. Lance waited his turn to board the train, an AMTRAK employee or agent was reaching down from the train to assist a woman in front of Mr. Lance climb up into the train.

11. When the woman ascended the steps into the train, the AMTRAK employee or agent lost his grip on the woman and/or failed to support her, and

she fell backward into the Mr. Lance who was poised to follow her into the train with one foot on the lowest train step and the other on the crate.

12. When the woman fell into Mr. Lance, he fell backward landing on his back, left shoulder and arm on the gravel track bed and suffered serious personal injuries.

13. At all times relevant to this Complaint, the AMTRAK employee or agent who was assisting the woman was acting in the course and scope of his employment or agency for AMTRAK.

14. At all times relevant to this Complaint, AMTRAK was a common carrier and owed the duty of care of a common carrier to Mr. Lance.

15. Under the facts and circumstances that existed at the time, Defendant breached duties that it owed to Mr. Lance to maintain its trains so that they were safe and functional, to operate its trains in a safe and efficient manner, to take reasonable steps and precautions to protect and assist its passengers who had to transfer from the train taken out of service to the replacement train, and to provide its employees and agents with appropriate equipment, training and supervision so that they could safely help passengers to board a replacement train.

16. As a proximate result of AMTRAK's negligence, and without any negligence on the part of the Mr. Lance causing or contributing to the accident, he sustained serious personal injuries to his body, including but not limited to sciatica, spinal disk injury, debilitating headaches, arm and shoulder injuries, and chronic myofascial pain syndrome. As a further proximate result he has incurred

medical expenses, the loss of income, and he has endured pain and suffering, and may continue to require further medical treatment in the future. Many of Mr. Lance's injuries and symptoms have persisted to this date and are permanent in nature.

WHEREFORE, Plaintiff, Michael Lance, demands judgment be entered against the Defendant in the amount of Four Hundred, Fifty Thousand Dollars (\$450,000), an amount in excess of the jurisdictional threshold of this Court, plus costs, and such other relief as this Court deems just and proper.

Respectfully Submitted,

AIN & STEIN, LLC



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Rockville, MD 20850
Ph (301) 838-0199
Fx (301) 309-9436
Counsel for Plaintiff

JURY DEMAND

Plaintiff demands a trial by jury as to all issues raised in his Complaint.



Gary A. Stein

Circuit Court for Prince George's County
City or County

CAW-22784

CIVIL—NON-DOMESTIC CASE INFORMATION REPORT

Directions:

Plaintiff: This Information Report must be completed and attached to the complaint filed with the Clerk of Court unless your case is exempted from the requirement by the Chief Judge of the Court of Appeals pursuant to Rule 2-111. A copy must be included for each defendant to be served.

Defendant: You must file an Information Report as required by Rule 2-323(h).

THIS INFORMATION REPORT CANNOT BE ACCEPTED AS AN ANSWER OR RESPONSE.

FORM FILED BY: ☒ PLAINTIFF ☐ DEFENDANT

CASE NUMBER: _____

CASE NAME: Michael Lance

(Clerk to insert)
v National Railroad Passenger Cor

JURY DEMAND: ☒ Yes ☐ No

Anticipated length of trial: _____ hours or _____ days

RELATED CASE PENDING? ☐ Yes ☒ No If yes, Case #(s), if known: _____

HAS ALTERNATIVE DISPUTE RESOLUTION (ADR):

Been Tried? ☐ Yes ☒ No

Requested? ☒ Yes ☐ No

If yes, specify: _____

FILED

Special Requirements? ☐ Interpreter/communication impairment
☐ Other ADA accommodation: _____

OCT 23 2006

NATURE OF ACTION (CHECK ONE BOX)

DAMAGES / RELIEF CLERK OF THE CIRCUIT COURT FOR PRINCE GEORGES COUNTY, MD.

TORTS

- ☐ Motor Tort
- ☒ Premises Liability
- ☐ Assault & Battery
- ☐ Product Liability
- ☐ Professional Malpractice
- ☐ Wrongful Death
- ☐ Business & Commercial
- ☐ Libel & Slander
- ☐ False Arrest/Imprisonment
- ☐ Nuisance
- ☐ Toxic Torts
- ☐ Fraud
- ☐ Malicious Prosecution
- ☐ Lead Paint
- ☐ Asbestos
- ☐ Other _____

LABOR

- ☐ Workers' Comp.
- ☐ Wrongful Discharge
- ☐ EEO
- ☐ Other _____

CONTRACTS

- ☐ Insurance
- ☐ Confessed Judgment
- ☐ Other _____

REAL PROPERTY

- ☐ Judicial Sale
- ☐ Condemnation
- ☐ Landlord Tenant
- ☐ Other _____

OTHER

- ☐ Civil Rights
- ☐ Environmental
- ☐ ADA
- ☐ Other _____

A. TORTS

Actual Damages

- ☐ Under \$7,500
- ☐ \$7,500 - \$50,000
- ☐ \$50,000 - \$100,000
- ☒ Over \$100,000

☒ Medical Bills

\$ 20,000

☐ Property Damages

\$ _____

☐ Wage Loss

\$ _____

B. CONTRACTS

- ☐ Under \$10,000
- ☐ \$10,000 - \$20,000
- ☐ Over \$20,000

C. NONMONETARY RELIEF

- ☐ Declaratory Judgment
- ☐ Injunction
- ☐ Other _____

TRACK REQUEST

With the exception of Baltimore County, Baltimore City, and Prince George's County, please fill in the estimated LENGTH OF TRIAL. THIS CASE WILL THEN BE TRACKED ACCORDINGLY.

☐ 1/2 day of trial or less

☐ 1 day of trial time

☐ 2 days of trial time

☐ 3 days of trial time

☐ More than 3 days of trial time

IF YOU ARE FILING YOUR COMPLAINT IN BALTIMORE COUNTY, BALTIMORE CITY, OR PRINCE GEORGE'S COUNTY, PLEASE SEE REVERSE SIDE OF FORM FOR INSTRUCTIONS.

Date: Oct. 14, 2006

Signature: Cary A. [Signature]